

SENATE BILL 3791

By Finney L

AN ACT to amend Chapter 101 of the Private Acts of 1993; as amended by Chapter 5 of the Private Acts of 1995; Chapter 31 of the Private Acts of 1995; Chapter 17 of the Private Acts of 1999, Chapter 10 of the Private Acts of 2001; and any other acts amendatory thereto, relative to the charter of the City of Jackson.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended by adding the following language at the end of Section 1:

As used in this Charter the masculine shall include the feminine, and the singular shall include the plural, and vice versa.

SECTION 2. Chapter 101 of the Private Acts of 1993, as amended by Chapter 5 of the Private Acts of 1995, Chapter 31 of the Private Acts of 1995, and any other acts amendatory thereto, is amended in Section 3 by adding the following language at the end of the first paragraph:

No person shall be allowed to seek multiple positions in any single municipal election.

SECTION 3. Chapter 101 of the Private Acts of 1993, as amended by Chapter 5 of the Private Acts of 1995, Chapter 31 of the Private Acts of 1995, and any other acts amendatory thereto, is amended in Section 3 by deleting the fifth paragraph in its entirety and by substituting instead the following:

A vacancy in the office of a council member shall be filled by appointment of a qualified resident of that district by a vote of seventy-five percent (75%) or more of the non-vacant council positions. All persons appointed to fill vacancies in accordance with the provisions of this section, except the mayor, shall serve until the next regularly

scheduled municipal election. The election to fill a vacancy shall be held in accordance with the provisions for a regular council seat.

SECTION 4. Chapter 101 of the Private Acts of 1993, as amended by Chapter 5 of the Private Acts of 1995, Chapter 31 of the Private Acts of 1995, and any other acts amendatory thereto, is amended in Section 3 by deleting the sixth paragraph in its entirety and by substituting instead the following:

Removal of residence by a council member from their district or the city shall constitute a vacancy on the council. If a person elected as council member is absent from duty without a proper and reasonable explanation being made for a period of ninety (90) days, his or her office shall be declared vacated and his or her office shall be filled as provided herein.

SECTION 5. Chapter 101 of the Private Acts of 1993, as amended by Chapter 5 of the Private Acts of 1995, Chapter 31 of the Private Acts of 1995, and any other acts amendatory thereto, is amended in the last paragraph of Section 3 by deleting the language “ninety (90) days” and by substituting instead the language “one (1) year.”

SECTION 6. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended in Section 10(6) by deleting the language “an annual condensed statement” and by substituting instead the language “an audit of all funds”.

SECTION 7. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended by deleting Section 10(7) in its entirety and by substituting instead the following:

(7) The mayor shall be responsible for the training and equipping of a force of police and fire sufficient to protect the health, welfare and property of the citizenry, including the organizing, training and equipping of such force of volunteer reserves as may be in the public interest. Such volunteer reserve, when called to duty in time of emergency or otherwise shall have full authority as a regular police officer or firefighter of the City of Jackson.

SECTION 8. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended by deleting Section 10(13) in its entirety and by substituting instead the following:

(13) The mayor shall have supervision and direction over all offices and employees in the departments responsible for the delivery of the services listed below and shall be charged with the duty of enforcing all ordinances relating to the traffic on the streets, alleys and public ways, on and across railway lines and through and over the cemetery ways, public parks, and other public places.

SECTION 9. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended in Section 10 by deleting subsection (19) in its entirety and by substituting instead the following:

(19) The mayor shall have control of the location of utility poles, telephones, telegraph wires and other telecommunications placed by public service corporations in, along, under, over, or on the streets, and shall report to the council any failure of such person or corporation to render proper service under a franchise granted by the city, or by the state, and shall report any failure on the part of such person, firm or corporation to observe the requirements of conditions made under such franchise, contract or grant.

SECTION 10. Chapter 101 of the Private Acts of 1993; as amended by Chapter 10 of the Private Acts of 2001; and any other acts amendatory thereto, is amended by deleting Section 14 in its entirety and by substituting instead the following:

Section 14. The mayor shall have his office in the city hall. All meetings of the council shall be held in the city hall.

Mayor Salary Review Committee. In order to insure that the Mayor's salary is set at an appropriate level to fairly compensate for the responsibility of the office, and is sufficient to continue to attract well-qualified candidates, there shall be a Salary Review Committee to review and make recommendations to the Council on changes to the Mayor's salary for the next term of office. There shall be a five (5) member committee consisting of the vice-mayor, two (2) other council members appointed by the vice-mayor, and two (2) residents of the City of Jackson who are eligible voters, one (1) who

is selected by the Council upon recommendation of the vice-mayor, and the other is selected by the Mayor. This Committee shall be appointed no later than eighteen (18) months prior to the next regularly scheduled municipal election. This Committee shall make a recommendation for adjustment, if necessary, of the Mayor's salary no less than fifteen (15) months preceding the date of the next City election.

The salary for the mayor shall be set by the council no less than one (1) year preceding the date of the next city election.

Council Member Pay Review Committee. In order to insure the Council pay is set at an appropriate level to fairly compensate the Council Member for the responsibility of the office and is sufficient to continue to attract well-qualified candidates, there shall be a Salary Review Committee to review and make recommendations to the Council on changes to the Council Members pay for the next term of office. There shall be a five (5) member committee consisting of the vice-mayor, and four (4) residents of the City of Jackson who are eligible voters, one (1) who is elected by the Council, and the other three (3) selected by the Mayor. This Committee shall be appointed no later than eighteen (18) months prior to the next regularly scheduled municipal election. This Committee shall make a recommendation for adjustment, if necessary, of the Council pay no less than fifteen (15) months preceding the date of the next City election.

The salary for the council shall be set by the council no less than one (1) year preceding the date of the next city election.

No such private act shall alter the pay of any incumbent prior to the end of the term for which such public officer was elected.

The council members shall not be eligible for retirement, pension, or insurance benefits.

SECTION 11. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended in Section 26 by deleting the last sentence and by substituting instead the following:

A resolution may be acted upon at the same meeting at which it is introduced and need not be published.

SECTION 12. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended by deleting Section 47 in its entirety and by substituting instead the following:

Section 47. The salary of the City Judge shall be the same as that of the General Sessions Judge, along with annual cost of living adjustments as authorized in Tennessee Code Annotated, Title 16, Chapter 15, Part 50.

SECTION 13. Chapter 101 of the Private Acts of 1993, as amended by Chapter 31 of the Private Acts of 1995, and any other acts amendatory thereto, is amended in Section 48 by adding the following language at the end of the section:

The City Court Clerk's salary shall be equal to that of the Madison County Juvenile Court Clerk.

SECTION 14. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended in Section 55 by deleting the language "fifteen percent (15%)" and by substituting instead the language "no more than the maximum amount allowed by state law".

SECTION 15. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended in the last sentence of Section 57 by deleting the language "telephone" and by substituting instead the language "telephone and other telecommunications".

SECTION 16. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended in the first sentence of Section 58 by deleting the language "telephone" and by substituting instead the language "telephone and other telecommunications".

SECTION 17. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended in the last sentence of Section 58 by deleting the language ", bonded debt retirement fund and library fund" and by substituting instead the language "and bonded debt retirement fund".

SECTION 18. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended in Section 80 by deleting the third paragraph in its entirety and by substituting instead the following:

Each member shall have equal powers and the majority shall rule. Three (3) members of said commission shall constitute a quorum for the transaction of

business. No member of the commission shall be employed in any manner by any city, state, county, or federal government, nor hold an elected or appointed office of any such government, nor be a member of the immediate family of any employee of the City of Jackson, nor be a former employee of the City of Jackson. Citizens otherwise qualified who work for local independent agencies whose board is appointed by federal, state or local government, such as the Jackson-Madison County Hospital, the Jackson Energy Authority, TVA, that are chartered by the state shall not be considered city or county employees. Any vacancy occurring in said commission shall immediately be filled in the same manner that said vacating commissioner was selected, and any commissioner appointed to fill such a vacancy shall serve for the remainder of the term of the vacating commissioner.

SECTION 19. Chapter 101 of the Private Acts of 1993, and any other acts amendatory thereto, is amended in Section 84.3 by adding the following language at the end of the first paragraph:

Except that the Commission shall not be required to make a written finding of fact and conclusions of law as required under the UAPA, and after hearing the testimony and argument, shall conduct public deliberation and vote in public. These open deliberations shall be recorded and the deliberations and final vote shall be in lieu of the requirement to have a finding of fact and conclusions of law.

SECTION 20. Nothing in this act shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such public officer was elected.

SECTION 21. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of City of Jackson. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 22. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 21.